

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT OF NEW YORK</p> <p>3 _____</p> <p>4 MODESTO RODRIGUEZ,</p> <p>5 Plaintiff,</p> <p>6 v. Case No:</p> <p>7 THE CITY OF NEW YORK, WARDEN STEVEN 21-CV-8565 (CM)</p> <p>8 BASTIAN, OFFICER MICHELLE GONZALEZ</p> <p>9 ANTOINETTE DOUGLAS, AND LACHONDA</p> <p>10 LUCAS,</p> <p>11 Defendants.</p> <p>12 _____</p> <p>13 DEPOSITION</p> <p>14 _____</p> <p>15</p> <p>16 WITNESS: LACHONDA LUCAS</p> <p>17 DATE: Wednesday, October 18, 2023</p> <p>18 START TIME: 10:31 a.m., ET</p> <p>19 END TIME: 11:55 a.m., ET</p> <p>20 REMOTE LOCATION: Remote Legal platform</p> <p>21 REPORTER: Olivia Wilson, CER-1600</p> <p>22 JOB NO.: 20394</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 RICKNER, PLLC</p> <p>3 14 Wall Street, Suite 1603</p> <p>4 New York, New York 10005</p> <p>5 By: ROBERT RICKNER, ESQUIRE</p> <p>6 rob@ricknerpllc.com</p> <p>7 Appearing for Plaintiff</p> <p>8</p> <p>9 NEW YORK CITY LAW DEPARTMENT</p> <p>10 100 Church Street</p> <p>11 New York, New York 10007</p> <p>12 By: JACQUELYN DAINOW, ESQUIRE</p> <p>13 jadainow@law.nyc.gov</p> <p>14 Appearing for Defendant, DOCCS</p> <p>15</p> <p>16 STATE OF NEW YORK ATTORNEY GENERAL</p> <p>17 28 Liberty Street</p> <p>18 New York, New York 10005</p> <p>19 By: GEEWON CHA, ESQUIRE</p> <p>20 geewon.cha@ag.ny.gov</p> <p>21 Appearing for Defendants, Lachonda Lucas,</p> <p>22 Antoinette Douglas, Michelle Gonzalez</p> <p>23 ALSO PRESENT:</p> <p>24 Sarah Schroeter, Notary Public</p> <p>25 Sam Kim, Legal Intern</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX OF TESTIMONY</p> <p>2</p> <p>3 EXAMINATION OF LACHONDA LUCAS: PAGE</p> <p>4 By Mr. Rickner 10</p> <p>5 By Ms. Dainow 53</p> <p>6 By Mr. Rickner 54</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX OF EXHIBITS</p> <p>2 (available for download)</p> <p>3</p> <p>4 EXHIBIT DESCRIPTION PAGE</p> <p>5 1 State Defendant's 103 to 104 22</p> <p>6 2 State Defendant's 151 to 152 24</p> <p>7 3 State Defendant's 142 to 143 27</p> <p>8 4 State Defendant's 132 to 134 31</p> <p>9 5 State Defendant's 126 to 127 35</p> <p>10 6 State Defendant's 117 to 118 39</p> <p>11 7 State Defendant's 821 to 822 40</p> <p>12 8 Warrant 43</p> <p>13 9 Memorandum 47</p> <p>14 10 State Defendant's 296 to 297 50</p> <p>15 11 Responses 52</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 5</p> <p>1 FEDERAL STIPULATIONS</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>4 between the attorneys for the respective parties that</p> <p>5 the presence of the Referee be waived;</p> <p>6 IT IS FURTHER STIPULATED AND AGREED that all</p> <p>7 objections, except as to form, are reserved until the</p> <p>8 time of trial;</p> <p>9 IT IS FURTHER STIPULATED AND AGREED that this</p> <p>10 deposition may be utilized for all purposes as provided</p> <p>11 by the Federal Rules of Civil Procedure;</p> <p>12 AND FURTHER STIPULATED AND AGREED that all</p> <p>13 rights provided to all parties by the Federal Rules of</p> <p>14 Civil Procedure shall not be deemed waived and the</p> <p>15 appropriate sections of the Federal Rules of Civil</p> <p>16 Procedure shall be controlling with respect thereto.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 6</p> <p>1 FEDERAL REMOTE STIPULATIONS</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED, by and between the</p> <p>4 attorneys of record for all parties to the above-</p> <p>5 entitled action, that:</p> <p>6 Pursuant to Rule 30(b)(4) of the Federal Rules</p> <p>7 of Civil Procedure, this deposition will be conducted by</p> <p>8 remote videoconference with the oath being administered</p> <p>9 remotely and a court reporter creating an accurate</p> <p>10 written record; that, if necessary, the parties agree</p> <p>11 that each witness can be identified with picture</p> <p>12 identification;</p> <p>13 No attorney, nor any party or witness, shall</p> <p>14 capture any still photographs, nor record, by video or</p> <p>15 audio, any part of these deposition proceedings;</p> <p>16 Each attorney agrees to instruct their witness</p> <p>17 that there is to be no communication with anyone outside</p> <p>18 of the identified and participating group, by chat,</p> <p>19 text, email, or other means during the deposition;</p> <p>20 There shall be no other person in the room</p> <p>21 with the witness during their deposition;</p> <p>22 Any phone or electronic device in the room</p> <p>23 with a witness shall be identified and not read,</p> <p>24 referred to, or otherwise used during the witness'</p> <p>25 deposition, unless agreed to by all counsel on record.</p>
<p style="text-align: right;">Page 7</p> <p>1 PROCEEDINGS</p> <p>2 THE REPORTER: Okay. Good morning. We</p> <p>3 are now on the record. Today's day is October 18, 2023,</p> <p>4 and the time is approximately 10:31 a.m. Eastern Time.</p> <p>5 My name is Olivia Wilson, and I am the officer</p> <p>6 designated by Remote Legal, 381 Park Avenue South, New</p> <p>7 York, New York to take the record of this proceeding.</p> <p>8 This is the deposition of Lachonda Lucas,</p> <p>9 taken in the matter of Rodriguez versus the City of New</p> <p>10 York, et al., Index Number 21-CV-8565CM filed in the</p> <p>11 United States District Court, Southern District of New</p> <p>12 York.</p> <p>13 Will all counsel please identify</p> <p>14 themselves for the record, starting with the noticing</p> <p>15 attorney, and state who they represent?</p> <p>16 MR. RICKNER: Rob Rickner for the</p> <p>17 plaintiff, Modesto Rodriguez. Rickner, PLLC. Good</p> <p>18 morning.</p> <p>19 MS. DAINOW: Good morning. Jacquelyn</p> <p>20 Dainow from the Office of the Corporation Counsel. I</p> <p>21 represent the City of New York.</p> <p>22 MS. CHA: Good morning. Gee Won Cha,</p> <p>23 Assistant Attorney General Gee Won Cha from the New York</p> <p>24 State Attorney General's Office representing Defendants</p> <p>25 Lachonda Lucas, Antoinette Douglas, Michelle Gonzalez in</p>	<p style="text-align: right;">Page 8</p> <p>1 this matter. And also present is Sam Kim, a legal</p> <p>2 intern for the Office of Attorney General.</p> <p>3 THE REPORTER: Would the notary please</p> <p>4 identify themselves for the record?</p> <p>5 THE NOTARY PUBLIC: Good morning. My</p> <p>6 name is Sarah Schroeter. I'm a notary public for Remote</p> <p>7 Legal.</p> <p>8 THE REPORTER: This deposition is being</p> <p>9 taken remotely on behalf of the plaintiff and is being</p> <p>10 conducted pursuant to the procedural rules and laws of</p> <p>11 the state which govern this matter.</p> <p>12 As such, all parties agree to this means</p> <p>13 of capturing the official record, which may include</p> <p>14 recording by audio and or audiovisual means, and agree</p> <p>15 not to oppose admission of this proceeding on the basis</p> <p>16 of the personnel or method by which the testimony in</p> <p>17 this proceeding was captured. Do the parties so</p> <p>18 stipulate?</p> <p>19 MR. RICKNER: Plaintiff certainly does.</p> <p>20 MS. DAINOW: So stipulated.</p> <p>21 MS. CHA: So stipulated.</p> <p>22 THE REPORTER: Would the notary please</p> <p>23 swear the witness?</p> <p>24 THE NOTARY PUBLIC: Good morning, Ms.</p> <p>25 Lucas.</p>

<p style="text-align: right;">Page 9</p> <p>1 MS. LUCAS: Good morning.</p> <p>2 THE NOTARY PUBLIC: Would you please</p> <p>3 state and spell your name for the record?</p> <p>4 MS. LUCAS: Lachonda Lucas. L as in</p> <p>5 Larry, A as in apple, C as in Charlie, H as in Harry, O</p> <p>6 as in Oscar, N as in Nancy, D as in David, A as in</p> <p>7 apple. Last name Lucas, L as in Larry, U as in</p> <p>8 umbrella, C as in cat, A as in apple, S as in Sam.</p> <p>9 THE NOTARY PUBLIC: Thank you. Ms.</p> <p>10 Lucas, would you please raise your right hand?</p> <p>11 Do you swear or affirm that the testimony</p> <p>12 you are about to give will be the truth, the whole</p> <p>13 truth, and nothing but the truth?</p> <p>14 MS. LUCAS: Yes.</p> <p>15 THE NOTARY PUBLIC: Thank you.</p> <p>16 MS. LUCAS: I do.</p> <p>17 WHEREUPON,</p> <p>18 L A C H O N D A L U C A S,</p> <p>19 having been called as a witness, being duly sworn by the</p> <p>20 notary public present, testified as follows:</p> <p>21 THE NOTARY PUBLIC: Thank you.</p> <p>22 THE REPORTER: Thank you. Counsel you</p> <p>23 may begin.</p> <p>24 MR. RICKNER: Thank you very much.</p> <p>25 EXAMINATION</p>	<p style="text-align: right;">Page 10</p> <p>1 BY MR. RICKNER:</p> <p>2 Q Good morning, Ms. Lucas. Have you ever had</p> <p>3 your deposition --</p> <p>4 A Good morning. Sorry.</p> <p>5 Q Have you ever had your deposition taken</p> <p>6 before?</p> <p>7 A No, I have not.</p> <p>8 Q Okay. I'm sure your counsel went over the</p> <p>9 ground rules, but I'm just going to do it one more time</p> <p>10 for the record. The first one is, and this can be</p> <p>11 difficult because I ask these long and rambling</p> <p>12 questions. You may know exactly where I'm going, but</p> <p>13 please don't jump in until I'm finished my question. So</p> <p>14 we have a nice clear record question and answer.</p> <p>15 Can you do that for me?</p> <p>16 A Yes, sir.</p> <p>17 Q Now you're testifying from an office over</p> <p>18 videoconference, but understand it's the same rules as</p> <p>19 though you're testifying in court, meaning you have to</p> <p>20 tell the truth, the whole truth, and nothing but the</p> <p>21 truth. Can you do that for me?</p> <p>22 A Yes, sir.</p> <p>23 Q I know that we're on video, although it's not</p> <p>24 being recorded, the court reporter can't take down nods</p> <p>25 of the head or gestures or if you demonstrate how long</p>
<p style="text-align: right;">Page 11</p> <p>1 something is with your hands, you have to use words.</p> <p>2 Can you do that for me?</p> <p>3 A Yes, sir.</p> <p>4 Q Thank you very much. Now, you may want to</p> <p>5 take a break and that's fine, but the rule is you've got</p> <p>6 to wait until we're finished the question and answer</p> <p>7 that's being posed and then you can take a break</p> <p>8 afterwards. Can you do that for me?</p> <p>9 A Yes, sir.</p> <p>10 Q Have you taken any medication or drugs or</p> <p>11 anything else today that would impair your memory or in</p> <p>12 the last 24 hours?</p> <p>13 A No, sir.</p> <p>14 Q Is there any medical reason besides the</p> <p>15 ordinary passage of time that you can't give full and</p> <p>16 complete testimony today?</p> <p>17 A No, sir.</p> <p>18 Q Okay. Have you ever testified under oath?</p> <p>19 A Yes, I have.</p> <p>20 Q Okay. Would that be in the course of parole</p> <p>21 proceedings, for example?</p> <p>22 A Parole proceedings as well as in the course of</p> <p>23 criminal trial.</p> <p>24 Q Okay. And during either the parole</p> <p>25 proceedings or the criminal trial, were you ever</p>	<p style="text-align: right;">Page 12</p> <p>1 impeached with your prior statements or testimony?</p> <p>2 A No, sir.</p> <p>3 Q Okay. Did anybody ever question you about,</p> <p>4 for example, testimony that you had provided earlier in</p> <p>5 comparison to testimony that you're provided on the</p> <p>6 stand?</p> <p>7 A No, sir.</p> <p>8 Q And how many times do you think you've</p> <p>9 testified in court?</p> <p>10 A Once.</p> <p>11 Q Okay. And how many times --</p> <p>12 A Outside of -- once outside of parole</p> <p>13 proceedings.</p> <p>14 Q Yes. Thank you. And how many times do you</p> <p>15 think you've testified in parole?</p> <p>16 A I have no idea because one of my positions was</p> <p>17 that of the parole revocation specialist as well as</p> <p>18 being a PO for seven years. So I have no idea how many</p> <p>19 proceedings.</p> <p>20 Q Is it fair to say hundreds?</p> <p>21 A Maybe.</p> <p>22 Q Okay. And during those proceedings, were your</p> <p>23 -- was your testimony taken down by a court reporter?</p> <p>24 A Yes.</p> <p>25 Q Okay. And through that experience, is it fair</p>

<p style="text-align: right;">Page 13</p> <p>1 to say that you understand how important it is to give</p> <p>2 clear and accurate responses when you're on the record</p> <p>3 with a court reporter?</p> <p>4 A Yes.</p> <p>5 Q Now I'm just going to sort of try to skip</p> <p>6 through your history quickly. What year did you</p> <p>7 graduate high school?</p> <p>8 A Oh, let me think. Give me one second. I</p> <p>9 didn't know you were going to ask me that.</p> <p>10 Q This isn't usually a trick question.</p> <p>11 A I don't remember. Hold on. I think I know,</p> <p>12 but I don't want to give false --</p> <p>13 Q This is my way of asking how old you are</p> <p>14 without actually asking how old you are, but.</p> <p>15 A I think it was '94.</p> <p>16 Q All right. So did you go to college?</p> <p>17 A Yes, I did.</p> <p>18 Q Did you graduate?</p> <p>19 A Yes, I did.</p> <p>20 Q What year did you graduate and what was your</p> <p>21 degree?</p> <p>22 A I believe I graduated from college in 1998</p> <p>23 with a bachelor's in human relations psychology.</p> <p>24 Q When did you start working at the Department</p> <p>25 of Correction and Community Supervision, or its</p>	<p style="text-align: right;">Page 14</p> <p>1 predecessor, either parole or DOC?</p> <p>2 A July 2007.</p> <p>3 Q Okay. Now, between 1994 and July of 2007, did</p> <p>4 you have any job involving law enforcement or parole or</p> <p>5 something else?</p> <p>6 A No.</p> <p>7 Q Okay. So July of 2007 were you working for</p> <p>8 the Department of Parole or the Department of</p> <p>9 Correction?</p> <p>10 A I was working for Division of Parole.</p> <p>11 Q Division of Parole, excuse me.</p> <p>12 A Yes, sir.</p> <p>13 Q And when did that merge with the Department of</p> <p>14 Correction?</p> <p>15 A I don't remember. But I do know it was before</p> <p>16 2013.</p> <p>17 Q Yes, I think that's right. Okay. So when you</p> <p>18 started at the Division of Parole, what was your job</p> <p>19 title?</p> <p>20 A Parole officer.</p> <p>21 Q Okay. How long were you a parole officer?</p> <p>22 A I was a parole officer from 2007 until January</p> <p>23 2015.</p> <p>24 Q Okay. And in 2015 did you receive a promotion</p> <p>25 or a new title or something similar?</p>
<p style="text-align: right;">Page 15</p> <p>1 A Yes, sir.</p> <p>2 Q Okay. What was that?</p> <p>3 A Parole revocation specialist.</p> <p>4 Q And what does a parole revocation specialist</p> <p>5 do?</p> <p>6 A The parole revocation specialist represents</p> <p>7 the department in parole revocation hearings when a</p> <p>8 release has been deemed to be in violation of releasee</p> <p>9 conditions.</p> <p>10 Q Okay. And how long did you have that</p> <p>11 position?</p> <p>12 A About three and a half years.</p> <p>13 Q And so that brings us to maybe sometime in</p> <p>14 late 2018?</p> <p>15 A June, 2018.</p> <p>16 Q Okay. Mid-2018. June, 2018.</p> <p>17 A Yes.</p> <p>18 Q What was your next position?</p> <p>19 A Parole revocation specialist 2.</p> <p>20 Q Okay. And how did your job responsibilities</p> <p>21 change?</p> <p>22 A As the PRS 2, I supervised the PRS staff that</p> <p>23 were presenting cases in the revocation process.</p> <p>24 Q Okay. And how long did you hold that position</p> <p>25 or do you still hold that position?</p>	<p style="text-align: right;">Page 16</p> <p>1 A I was in that position for about three and a</p> <p>2 half years until April of 2022.</p> <p>3 Q Okay. So in March of 2020, you were a parole</p> <p>4 revocation specialist 2?</p> <p>5 A Yes, sir.</p> <p>6 Q And where were you stationed? Meaning where</p> <p>7 were you physically every day and around let's say</p> <p>8 February and March of 2020?</p> <p>9 A I'm not -- I don't understand your question.</p> <p>10 Q Did you work in Albany? Did you work in</p> <p>11 Rikers Island? Did you work in an office in Manhattan,</p> <p>12 someplace else?</p> <p>13 A And you're saying for February as well as</p> <p>14 March?</p> <p>15 Q Yeah.</p> <p>16 A Well, in February I would have been --</p> <p>17 February, early March I would have been working in</p> <p>18 between Rikers Island and the Manhattan office.</p> <p>19 Q And was there a period of time when you began</p> <p>20 working remotely?</p> <p>21 A No, sir.</p> <p>22 Q Okay. Then after mid-March of 2020, where</p> <p>23 were you work -- going to work every day?</p> <p>24 A The Manhattan office.</p> <p>25 Q Okay. So you stopped going to Rikers Island?</p>

<p style="text-align: right;">Page 17</p> <p>1 A Yes.</p> <p>2 Q Okay. Now, if -- I'd just like to sort of</p> <p>3 walk through the procedure here. Do you understand what</p> <p>4 a writ of habeas corpus is?</p> <p>5 A Yes.</p> <p>6 Q What's a writ of habeas corpus to your</p> <p>7 understanding?</p> <p>8 A To my understanding, it is a document that</p> <p>9 orders that a person be released from custody.</p> <p>10 Q Okay. Let's just say from, you know, March of</p> <p>11 2019 to March of 2020, about how often in your work</p> <p>12 would you see a writ of habeas corpus?</p> <p>13 A I -- I can't really answer that. I don't</p> <p>14 know.</p> <p>15 Q Would you say it's more than 10?</p> <p>16 A I really don't know. I can't really say.</p> <p>17 Q Do you see them once a week?</p> <p>18 A I have -- I mean that -- that is such a</p> <p>19 general question, I really can't say because you are</p> <p>20 asking me from 2019 to 2020, how many did I see. I</p> <p>21 really don't know.</p> <p>22 Q I'm just wonder -- so in -- so there are</p> <p>23 multiple different ways that people be -- will be</p> <p>24 released from custody when they're part of the parole</p> <p>25 system; is that right?</p>	<p style="text-align: right;">Page 18</p> <p>1 A That is correct.</p> <p>2 Q Some people finish their sentences, right?</p> <p>3 A Yes.</p> <p>4 Q And some people reach a plea deal for</p> <p>5 something like time served and then they're released</p> <p>6 afterwards, right?</p> <p>7 A That is correct.</p> <p>8 Q And some people end up not being on parole; is</p> <p>9 that right?</p> <p>10 A That is correct.</p> <p>11 Q Okay. Now, and habeas corpus is yet another</p> <p>12 way that people are released, right?</p> <p>13 A Yes.</p> <p>14 Q So what I'm trying to understand is how often</p> <p>15 is it that you see habeas corpus writs versus all of the</p> <p>16 other times people get released? Is it most of the</p> <p>17 time, fairly rare, something in between?</p> <p>18 A I really don't know. I can't really answer</p> <p>19 that.</p> <p>20 Q Now, when somebody gets a writ of habeas</p> <p>21 corpus from a judge, what is the procedure that now</p> <p>22 DOCCS goes through to have them released? What are all</p> <p>23 of the different steps?</p> <p>24 A If a writ of habeas corpus is received and we</p> <p>25 would get notification from the Board of Parole that the</p>
<p style="text-align: right;">Page 19</p> <p>1 person has received this writ and that they should be</p> <p>2 released.</p> <p>3 Q And who from the Board of Parole would notify</p> <p>4 you that there was a writ?</p> <p>5 A It could be a number of different people. It</p> <p>6 could be Elliot McIntosh or someone that's -- that works</p> <p>7 with him that would send that notification.</p> <p>8 Q Okay. And once you receive that notification,</p> <p>9 what's the next step?</p> <p>10 A Well, I wouldn't necessarily be the one</p> <p>11 receiving it because that's not my part of the work.</p> <p>12 Q Understood. Once the, you know, once I guess</p> <p>13 your division or your group receives the writ of habeas</p> <p>14 corpus, what's the next step?</p> <p>15 A Once the writ of habeas corpus is received,</p> <p>16 then notification is received from the board, then DDOI</p> <p>17 that is stationed on Rikers Island or it's -- DDOI</p> <p>18 stands for declared delinquent of an institution. They</p> <p>19 would prep the case, review the case, and prep it to set</p> <p>20 up a release interview for the releasee.</p> <p>21 Q Okay. And a release interview for the</p> <p>22 releasee, what does that mean?</p> <p>23 A They would meet with the releasee and give</p> <p>24 them reporting instructions and review where they're</p> <p>25 going to live and review their assigned parole officer,</p>	<p style="text-align: right;">Page 20</p> <p>1 senior parole officer, and the office to which they will</p> <p>2 be reporting.</p> <p>3 Q Okay. And what's the -- what's the typical</p> <p>4 timeframe it takes to set up that meeting?</p> <p>5 A I really can't say. I mean, it should be</p> <p>6 immediate, but there are other factors that I'm sure</p> <p>7 come up.</p> <p>8 Q Like what?</p> <p>9 A Like if someone requires an escort or maybe</p> <p>10 just being medically unavailable.</p> <p>11 Q You mean if they're in the hospital?</p> <p>12 A Right.</p> <p>13 Q Okay. What is an escort in this -- in the way</p> <p>14 you just used it?</p> <p>15 A If someone is classified as a sex offender or</p> <p>16 prior to Covid certain OMH-level cases would require</p> <p>17 that a parole officer pick them up from the facility and</p> <p>18 actually drive them to their approved residence.</p> <p>19 Q Oh, you mean to get them out?</p> <p>20 A Yes.</p> <p>21 Q Okay. And do -- are people who are released</p> <p>22 due to a writ of habeas corpus treated any differently</p> <p>23 in this procedure that you're describing than somebody</p> <p>24 who's released through some other means, like finishing</p> <p>25 their sentence or something else?</p>

<p style="text-align: right;">Page 21</p> <p>1 A I can't really answer that because this is not 2 -- that's not my part of the work.</p> <p>3 Q Okay. Well, for your part of the work, do you 4 treat people who have received their writ of habeas 5 corpus any differently than anybody else who's being 6 released from parole?</p> <p>7 A I wouldn't be dealing with releases.</p> <p>8 Q Okay. In March of 2020, what was your role at 9 the Department of Correction and Community Supervision? 10 In this process, what were you doing?</p> <p>11 A Specifically, what timeframe are you asking 12 about? I'm sorry.</p> <p>13 Q Between March 19th of 2020 and the end of the 14 month.</p> <p>15 A March 19, 2020, and the end of the month, I 16 was at the Manhattan office. If I remember correctly, 17 that was the beginning of Covid. And while in the 18 Manhattan office, my tasks were to review all the 19 current revocation cases that we had open and to see if 20 they could be resolved so that the judges could render a 21 decision and the releasees could then be -- their names 22 could be sent to DDOI for the release interviews to be 23 conducted and they could be released from custody.</p> <p>24 Q All right. So I'd just like to -- let's 25 figure out how to mark this. No, that's not it. All</p>	<p style="text-align: right;">Page 22</p> <p>1 right. I'm going to share with the screen document 2 State Defendant's 103 to 104.</p> <p>3 A Okay.</p> <p>4 MR. RICKNER: And court reporter, which 5 is the button to mark this I always forget.</p> <p>6 THE REPORTER: Oh, I can mark it for you.</p> <p>7 MR. RICKNER: That's great. Let's use 8 numbers and mark --</p> <p>9 THE REPORTER: Yeah.</p> <p>10 MR. RICKNER: -- this as Exhibit 1, 11 please.</p> <p>12 THE REPORTER: Sure thing. It's marked.</p> <p>13 MR. RICKNER: Wonderful. 14 (Exhibit 1 marked for identification.)</p> <p>15 BY MR. RICKNER:</p> <p>16 Q Now, I'm going to scroll down and you could 17 actually manipulate this on your screen if you want to - 18 - if you want to look back, but I'm going to hit a 19 button that's going to move you to the second page.</p> <p>20 A Okay.</p> <p>21 Q So do you see the second page?</p> <p>22 A Yes.</p> <p>23 Q Okay. And it's -- here it says, "Subject DCJC 24 DOCCS discharges. Discharges are paramount. Nothing 25 could be more important at this time." Do you see that?</p>
<p style="text-align: right;">Page 23</p> <p>1 A Yes, sir.</p> <p>2 Q And that was being sent by Edward Delrio; is 3 that right?</p> <p>4 A Yes.</p> <p>5 Q Okay. Who is he?</p> <p>6 A He was the -- he was my supervisor, the chief 7 of the parole violation unit, and DDOI at the time.</p> <p>8 Q Okay. And if you see as it scrolls up, 9 eventually you were brought into this email list or 10 email chain. Do you see that on the first page?</p> <p>11 A On the first page. Hold on. Yes.</p> <p>12 Q Should bounce you out. All right. And it 13 says, "DC Lucas will coordinate all activities from our 14 NYC office." Do you see that?</p> <p>15 A Yes, sir.</p> <p>16 Q What did that mean?</p> <p>17 A That meant what I described earlier that I 18 would go through all the pending revocation cases and 19 those that could be resolved, I would schedule them with 20 our Administrative Law Judge, hold the cases so that 21 they could render a decision, and then compile a list to 22 be sent to DDOI for them to review the cases and to 23 process the individuals for release back to supervision.</p> <p>24 Q Okay. I'm going to close this exhibit out. 25 Pull up another one.</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. RICKNER: All right. Let's mark this 2 as Exhibit 2.</p> <p>3 (Exhibit 2 marked for identification.)</p> <p>4 BY MR. RICKNER:</p> <p>5 Q And this is Defendant's -- State Defendant's 6 151 to 152. Now, I'd like you to -- hold on. I'm going 7 to bring you to the second page. And can -- did we mark 8 this as -- yeah. Great. Probably you can see the first 9 email in this chain. It's from Antoinette Douglas. And 10 you are CC'ed on it and it's -- involves Modesto 11 Rodriguez. And there's whole paragraph of text about 12 it; is that right? Do you see what I'm talking about?</p> <p>13 A Yeah.</p> <p>14 Q All right. Now, do you know why Modesto 15 Rodriguez was not scheduled for his release interview, 16 it looks like initially until March 24th?</p> <p>17 A Do I know why he wasn't scheduled for a 18 release interview until March 24th?</p> <p>19 Q Yes.</p> <p>20 A No, I wouldn't know why.</p> <p>21 Q Okay. Do you know why you were included on 22 this email?</p> <p>23 A Because as I stated, Delrio was in charge of 24 PVU as well as DDOI and as the PRS 2 or the unofficial 25 title Deputy Chief, we were CC'ed on almost all emails.</p>

<p style="text-align: right;">Page 25</p> <p>1 Q Okay. Now, were you in any way responsible at 2 this point for determining whether or not somebody 3 needed an escort? 4 A No, sir. 5 Q Who would decide if somebody needed an escort? 6 A That would be part of the review that is 7 performed by DDOI staff. 8 Q And were you involved in any way in scheduling 9 or providing a list of people for DDOI to -- you know 10 what, that was a terrible question. I'm going to -- 11 I'll do that with a different exhibit. 12 All right. Just going up to the -- hopefully, 13 you see the top. And this is a March 31st email. And 14 it's determined here that Mr. Rodriguez does not require 15 an escort. Do you see that? 16 A Yes. 17 Q Okay. So if somebody does not require an 18 escort, what are the steps that DOCCS or somebody else 19 takes between having them in a jail cell and letting 20 them out the door if they don't require an escort? 21 A The steps remain the same. They would get a 22 release interview and then the warrant would be lifted 23 by DDOI staff. 24 Q So my understanding is, is that the warrant 25 doesn't get lifted until the release interview?</p>	<p style="text-align: right;">Page 26</p> <p>1 A That's generally how it happens. Yes. 2 Q Well, you said it's generally how it happens. 3 Is that how it happens every time? 4 A Well, during Covid we had situations where 5 they were released without an interview. That's why I 6 said that's generally how it happens. 7 Q Okay. 8 A Outside of Covid, they would have a release 9 interview, and then after that they -- the warrant would 10 be lifted. 11 Q Okay. And so a warrant doesn't get lifted -- 12 withdrawn. 13 Under normal circumstances, a warrant is not 14 lifted unless there's a release interview, it's a 15 requirement? 16 A Yes. 17 Q Okay. And is that true regardless of how the 18 person's getting released, whether it's a writ habeas 19 corpus or something else? 20 A I mean, if the person's being released because 21 they're no longer on supervision, then there's no reason 22 for a release interview. But other than that 23 circumstance, they would have a release interview. 24 Q Okay. 25 A Under normal circumstances.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Got it. I'm going to close -- close out this 2 exhibit. There's quite a few of these emails. All 3 right. I am going to share this with everybody and 4 let's mark this as Exhibit 3, please. And you can 5 scroll -- scroll through it. You want to read this one 6 because we're going to spend a little bit of time on it. 7 Nothing is ever easy. 8 A Sorry. Give me one second. Sorry about that. 9 (Exhibit 3 marked for identification.) 10 BY MR. RICKNER: 11 Q Yeah. So I'd like you, hopefully, we've 12 marked this one. Yes. Excellent. So let's look at the 13 second page of Exhibit 3. And this is at the, you know, 14 beginning of the chain, Edward Delrio email to you and 15 Rose Williams. Do you see that? 16 A Yes, sir. 17 Q And it says -- the first line, it says, "DDOI 18 must report to the Judicial Center." Do you see that? 19 A Yes. 20 Q What does that mean? 21 A That means that the parole officers assigned 22 to DDOI on Rikers Island had to return to the building. 23 Q Oh, is the Judicial Center part of Rikers 24 Island? 25 A Yes, it is located on Rikers Island.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q Okay. And it says, "I need a list of everyone 2 scheduled to be released and should have been released. 3 I want them scheduled to be produced at the Judicial 4 Center for discharge on Thursday." Do you see that? 5 A Yes. 6 Q And after that it says the number of inmates 7 produced will be limited to space, right? 8 A Yes. 9 Q So is it fair to say that, you know, due to 10 Covid you could only release so many incarcerated people 11 at a time, even if they were due to be released? 12 A Yes. 13 Q The flow-out was slower because of Covid, 14 right? 15 A Yes. 16 Q Okay. And you responded, looks like about 17 3:00 p.m. on March 24th, "Would you like me to send you 18 the production list for today and tomorrow?" 19 A Yes. 20 Q Okay. Then the chief said, "Consolidate both 21 lists and have them all produced tomorrow." Do you see 22 that? 23 A Yes. 24 Q Now your response is, "No, can do, Chief. Too 25 many individuals for one PO to see." Do you see that?</p>

<p style="text-align: right;">Page 29</p> <p>1 A Yes.</p> <p>2 Q Okay. So I take it to mean that you couldn't</p> <p>3 have two days' worth of people being released</p> <p>4 consolidated onto one list?</p> <p>5 A That was my concern because the Judicial</p> <p>6 Center was closed on Monday due to someone testing</p> <p>7 positive for Covid, and then it wasn't open on Tuesday,</p> <p>8 which is why I was the one who had to send a production</p> <p>9 list because I was in the office.</p> <p>10 The concern was that one parole officer could</p> <p>11 not see all the people that needed to be seen from those</p> <p>12 two days on Wednesday because there was only one parole</p> <p>13 officer that was not sick at the time.</p> <p>14 Q Right. And so of the list -- well, you say 25</p> <p>15 or 27, do you see that?</p> <p>16 A Yes.</p> <p>17 Q Okay. Does that mean each day you had 25 or</p> <p>18 27, or roughly all at once you had 25 or 27?</p> <p>19 A I really can't remember, but I do know that if</p> <p>20 they were closed on Tuesday, the Tuesday people weren't</p> <p>21 seen and then we're talking about putting them on for</p> <p>22 Wednesday, where there was probably already a list for</p> <p>23 Wednesday as well.</p> <p>24 Q Okay. Now, when it came to make the list of</p> <p>25 people who are going to be seen on Wednesday, who made</p>	<p style="text-align: right;">Page 30</p> <p>1 that list?</p> <p>2 A That was our -- that was a list that already</p> <p>3 existed from DDOI.</p> <p>4 Q Okay.</p> <p>5 A From days -- from, I'm sorry, from days</p> <p>6 before.</p> <p>7 Q Okay. So there's a list from days before that</p> <p>8 had already been created and then you just resent it?</p> <p>9 A Yes.</p> <p>10 Q Or something else? Okay. Who decides who</p> <p>11 goes on that list?</p> <p>12 A That's a function of DDOI as they prep the</p> <p>13 cases and depending on the status they would schedule</p> <p>14 release interviews and it would be sent for the</p> <p>15 releasees to be produced.</p> <p>16 Q Got it. All right. Let me close out this</p> <p>17 exhibit. I have quite a few of these, apologies. Just</p> <p>18 give me one second. Repeat.</p> <p>19 MR. RICKNER: Okay. Let's mark this as</p> <p>20 the next exhibit. I believe it's 4. And for the record</p> <p>21 is, is State Defendant's 132 through 134.</p> <p>22 BY MR. RICKNER:</p> <p>23 Q Now, I'm going to go down to, I guess really,</p> <p>24 it's the -- the second email where it says, "Good</p> <p>25 afternoon." Do you see that?</p>
<p style="text-align: right;">Page 31</p> <p>1 A I don't see anything.</p> <p>2 MR. RICKNER: Oh, I forgot to share with</p> <p>3 all. Here we go. There we go. Now, can we mark this</p> <p>4 as Exhibit 4?</p> <p>5 (Exhibit 4 marked for identification.)</p> <p>6 BY MR. RICKNER:</p> <p>7 Q I'm going to scroll down to the second email,</p> <p>8 which is broken up across two pages where it says, "Good</p> <p>9 afternoon, please see the attached revised list." Do</p> <p>10 you see that?</p> <p>11 A Yes, sir.</p> <p>12 BY MR. RICKNER:</p> <p>13 Q So just to be clear, who makes -- this list is</p> <p>14 made by somebody else at DOCCS besides you?</p> <p>15 A This was made at -- by the staff at DDOI.</p> <p>16 Q Okay. And here it says Modesto Rodriguez</p> <p>17 writ. That's on the third page. Do you see that?</p> <p>18 A Yes.</p> <p>19 Q And if you can -- okay. And if you can't see</p> <p>20 it, let me know.</p> <p>21 A No, I can see it. Thank you.</p> <p>22 Q It says, "Assigned PO duty officer." What</p> <p>23 does that mean?</p> <p>24 A It means that when he reports he's going to</p> <p>25 see the duty officer in Manhattan 6.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q And what has been -- Manhattan 6 is the</p> <p>2 Bureau?</p> <p>3 A Yes.</p> <p>4 Q And so by duty officer, it just means he's</p> <p>5 going to see whoever happens to be assigned?</p> <p>6 A A duty officer is usually two POs are assigned</p> <p>7 each day to be in the office with the exception of</p> <p>8 report day. And they will see anyone who makes an</p> <p>9 office report.</p> <p>10 Q What -- and is this the person who's doing the</p> <p>11 release interview or is this -- that's somebody</p> <p>12 completely different?</p> <p>13 A This is someone completely different.</p> <p>14 Q Okay. It says Brad H, do you see that?</p> <p>15 A Yes.</p> <p>16 Q What is Brad H?</p> <p>17 A I really don't know much about Brad H.</p> <p>18 Q Okay. And it says here, "Warrant lifted</p> <p>19 after," and it says writ. Do you see that?</p> <p>20 A Which page are you looking at?</p> <p>21 Q I'm still on the same page as the third page</p> <p>22 of the exhibit. I can bounce you over to it.</p> <p>23 A Yes, I see it.</p> <p>24 Q All right. So would it be correct to say that</p> <p>25 on March 24th of 2020, the warrant was lifted?</p>

<p style="text-align: right;">Page 33</p> <p>1 A I don't know.</p> <p>2 Q Okay.</p> <p>3 A I can't say that it was lifted.</p> <p>4 Q All right. So going back to Exhibit 4, this -</p> <p>5 - at the very top, this is an email that you sent. It</p> <p>6 says, "Good afternoon. Please produce the following</p> <p>7 inmates for release interviews on Wednesday 3/25."</p> <p>8 A Yes.</p> <p>9 Q Okay. So would it be correct to say that</p> <p>10 these people were supposed to be, you know, produced for</p> <p>11 these release interviews we've discussed, this would be</p> <p>12 the next day, Wednesday the 25th?</p> <p>13 A That is correct.</p> <p>14 Q All right. And who is William Newlin?</p> <p>15 A That's the captain at the Rikers Island, one</p> <p>16 of the captains at Rikers Island Judicial Center.</p> <p>17 Q Okay. And when you say a captain, do you mean</p> <p>18 somebody who works for the City of New York?</p> <p>19 A Yes.</p> <p>20 Q Okay. And as captain of the Judicial Center,</p> <p>21 what is it that his -- what is his job with respect to</p> <p>22 this process?</p> <p>23 MS. DAINOW: Objection.</p> <p>24 MR. RICKNER: You can answer.</p> <p>25 THE WITNESS: I don't fully know his job,</p>	<p style="text-align: right;">Page 34</p> <p>1 but I -- what I do know is that when production is</p> <p>2 requested, those lists go to the captain.</p> <p>3 MR. RICKNER: Okay.</p> <p>4 THE WITNESS: The list that DDOJ would</p> <p>5 formulate would be sent to the captain for the releasees</p> <p>6 to be produced.</p> <p>7 BY MR. RICKNER:</p> <p>8 Q Okay. And I -- would it be fair to say that</p> <p>9 the captain then looks at the list and goes and gets the</p> <p>10 people to be actually transferred to the Judicial Center</p> <p>11 from whatever unit they're in or part of --</p> <p>12 A I can't --</p> <p>13 MS. DAINOW: I'm sorry. Note my</p> <p>14 objection. Thank you.</p> <p>15 THE WITNESS: I can't answer as to what</p> <p>16 the captain does with the list.</p> <p>17 MR. RICKNER: Okay.</p> <p>18 THE WITNESS: That, I don't know.</p> <p>19 BY MR. RICKNER:</p> <p>20 Q But just to be clear, the list on page 3 that</p> <p>21 went to the captain at Rikers Island?</p> <p>22 MS. DAINOW: Objection.</p> <p>23 MR. RICKNER: There's nothing wrong with</p> <p>24 that question. You can answer.</p> <p>25 THE WITNESS: As per my email, yes, it</p>
<p style="text-align: right;">Page 35</p> <p>1 went to the captain.</p> <p>2 BY MR. RICKNER:</p> <p>3 Q Okay. Who's Tameca, T-A-M-E-C-A, Jenkins?</p> <p>4 A She's also a captain.</p> <p>5 Q Okay. Is she also at the Judicial Center?</p> <p>6 A Yes, she is.</p> <p>7 Q Okay.</p> <p>8 MR. RICKNER: I'm going to close out this</p> <p>9 exhibit. I'm just clearing out a few of these I'm not</p> <p>10 going to use. Okay. Can we share this -- can we mark</p> <p>11 this as Exhibit 5?</p> <p>12 (Exhibit 5 marked for identification.)</p> <p>13 BY MR. RICKNER:</p> <p>14 Q But before I ask about Exhibit 5, with respect</p> <p>15 to the Judicial Center at Rikers Island, is that -- is</p> <p>16 the security in that facility provided by the New York</p> <p>17 City Department of Correction?</p> <p>18 MS. DAINOW: Objection.</p> <p>19 THE WITNESS: It is a building on Rikers</p> <p>20 Island that functions much like a jail. I don't know</p> <p>21 what you mean by controlled by them, but it is a New</p> <p>22 York City DOCCS building.</p> <p>23 BY MR. RICKNER:</p> <p>24 Q Okay. And let me ask this maybe more plainly,</p> <p>25 when there are guards there who are responsible for</p>	<p style="text-align: right;">Page 36</p> <p>1 making sure the incarcerated people don't act up and</p> <p>2 aren't dangerous and all of those sorts of things, are</p> <p>3 those DOC people or those DOCCS people? That's D-O-C-C-</p> <p>4 S for the court reporter.</p> <p>5 MS. DAINOW: Note my objection.</p> <p>6 THE WITNESS: That would be City DOCCS</p> <p>7 personnel.</p> <p>8 BY MR. RICKNER:</p> <p>9 Q Okay. City DOCCS, you meaning the New York</p> <p>10 City Department of Correction?</p> <p>11 A Yes.</p> <p>12 Q Okay. And when it comes to actually unlocking</p> <p>13 doors and letting somebody out, is that a function</p> <p>14 that's performed by employees of the New York City</p> <p>15 Department of Correction?</p> <p>16 MS. DAINOW: Note my objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. RICKNER:</p> <p>19 Q And so moving to this who's -- that's Exhibit</p> <p>20 5, sorry. Which for the record is Defendant's 126 to</p> <p>21 127. Do you see the -- from at the top, Rachael Bell?</p> <p>22 A Yes.</p> <p>23 Q Who is that?</p> <p>24 A She was an office assistant at -- in DDOJ.</p> <p>25 Q Okay. Who's Adam Figueroa?</p>

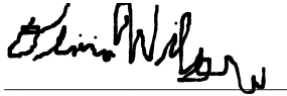
<p style="text-align: right;">Page 37</p> <p>1 A Staff -- New York City DOCCS staff and custody 2 management. 3 Q What do you say -- when you say custody 4 management what do you mean? 5 A That's the department that I know him to work 6 in. 7 Q Okay. What about Anthony Monastero? 8 A Also New York City DOC staff. 9 Q Okay. And what about, actually, it's Carole 10 James, not James Carole. Who's that? 11 A She was also New York City DOC staff. 12 Q Okay. And Darwin Padilla, do you see that? 13 A Yes. He was also who -- 14 Q And who's that? 15 A Sorry. He was also NYC DOC staff. 16 Q And Donique Sealey, who's that? 17 A I don't know who that is. 18 Q Okay. How about Jason Soto? 19 A I don't know who that is either. 20 Q Joseph Grima? 21 A I have no idea. 22 Q How about Lisa Barnaby? 23 A I don't know who that is. 24 Q We'll skip over you. Mark Wynter, W-Y-N-T-E- 25 R?</p>	<p style="text-align: right;">Page 38</p> <p>1 A I don't know who that is. 2 Q Melissa Bailey, do you know who that is? 3 A No. 4 Q Piadosa Cruz? 5 A No. 6 Q Rabiah Gaynor, R-A-B-I-A-H? 7 A New York City DOC staff and I believe health 8 affairs. 9 Q Sherrie Rembert. Do you see that? 10 A Yes. I want to see -- I want to say, excuse 11 me, Sherrie Rembert is from the Mayor's office. 12 Q And Wanda Blair? 13 A I don't know who that is. 14 Q Okay. And this list, the production call out 15 list from March 24, 2020, this is similar to the other 16 one we discussed at the prior exhibit, right, where it 17 lists Modesto Rodriguez as being list -- released to a 18 writ? 19 A It's the same list. 20 Q Yes. Now, on March 24th I believe you 21 testified that there wasn't somebody available to do 22 interviews; is that right? 23 A The Judicial Center was closed on March 24th. 24 Q Okay. Were the incarcerated people actually 25 brought to the Judicial Center only to find out it was</p>
<p style="text-align: right;">Page 39</p> <p>1 closed or something else? 2 A I don't know. 3 Q Okay. 4 MR. RICKNER: I'm going to close this 5 out. Okay. I'd like to mark this as -- this is Exhibit 6 6 or 7? 6, it is. Okay. And this for the record, this 7 is State Defendant's 117 to 118. 8 (Exhibit 6 marked for identification.) 9 BY MR. RICKNER: 10 Q Now just going back, and I don't know if you 11 remember, was the Judicial Center open on the 25th, 12 26th, or 27th of March of 2020? 13 A The 25th was a Wednesday. Yes, I believe it 14 reopened on Wednesday. 15 Q Okay. For one moment. So just looking at the 16 middle email, it says, "Good morning, subject will be 17 escorted on Friday, March 27th." Do you see that? 18 A Yes. 19 Q Do you know why this was moved to March 27th 20 or why it would've been moved to March 27th? 21 A I have no idea. 22 Q Okay. Let me close out this exhibit. Every 23 time I pause like this, I'm actually deleting exhibits 24 and things are going faster, so it may seem like I'm 25 wasting your time, but it's the exact opposite.</p>	<p style="text-align: right;">Page 40</p> <p>1 A No problem. 2 MR. RICKNER: All right. Let's mark this 3 as Exhibit 7, please. Oh, can we move -- yeah. Can you 4 put it maybe in one of the big white spots just so we 5 don't cover up any of the email addresses? Ah, perfect. 6 Thank you. 7 (Exhibit 7 marked for identification.) 8 BY MR. RICKNER: 9 Q All right. Looking at Exhibit 7, which for 10 the record is State Defendant's 821 to 822. Who is 11 Lorraine McEvilley? I'm just not saying that right. 12 Who's the person who sent this email? 13 A Lorraine McEvilley is the, I guess, Director 14 of Legal Aid, the Parole Revocation Defense Unit. 15 Q Okay. And it says, adding, I guess your dep 16 meaning Deputy Lucas and Williams. You see that? 17 A Yes. 18 Q All right. Do you know why you were added or 19 would've been part of this communication chain? 20 A Like I said before our chief's rule was that 21 the deputy chief should be added on all communication. 22 Q Okay. And it says here, you know, "Mr. 23 Rodriguez is still incarcerated. He was ordered to be 24 released 3/19." You were added. After this email, did 25 you take any steps to have Mr. Rodriguez released from</p>

<p style="text-align: right;">Page 41</p> <p>1 custody?</p> <p>2 A At the time of this email, my directive was to</p> <p>3 work from the Manhattan office to move the cases so that</p> <p>4 people could continue to be released. My part of the</p> <p>5 task was not to be orchestrating release interviews from</p> <p>6 Rikers Island.</p> <p>7 Q Okay. But just to be clear, did you take any</p> <p>8 steps following receiving this email to have Mr.</p> <p>9 Rodriguez released? Did you do anything?</p> <p>10 A On the 27th?</p> <p>11 Q Or after until the date he was released.</p> <p>12 A Well, eventually I did do something because</p> <p>13 when I was next notified about Mr. Rodriguez, I was the</p> <p>14 only one at work.</p> <p>15 Q And what did you do?</p> <p>16 A I -- when I received notification that he was</p> <p>17 still in custody, I reached out to DDOI to have them</p> <p>18 look into the case to find out what was going on.</p> <p>19 Q Okay. And what did DDOI tell you was going</p> <p>20 on?</p> <p>21 A I don't recall her telling me, "What was going</p> <p>22 on." I told her to look at it and because that is her</p> <p>23 normal task, she knew that if she had received all the</p> <p>24 information she needed and his warrant needed to be</p> <p>25 lifted, she would follow through with what needed to be</p>	<p style="text-align: right;">Page 42</p> <p>1 done on his case.</p> <p>2 Q Who did you speak to?</p> <p>3 A PO Sheila Bailey.</p> <p>4 Q Do you know when you made this phone call?</p> <p>5 A I spoke to her on the 31st when I received an</p> <p>6 email from, I believe senior parole officer Jacqueline</p> <p>7 Kennedy of Manhattan 6.</p> <p>8 Q Do you believe that that phone call to DDOI</p> <p>9 informing him that Mr. Rodriguez was still incarcerated</p> <p>10 resulted in Mr. Rodriguez's release?</p> <p>11 A Yes.</p> <p>12 Q Okay. Why didn't you make that phone call</p> <p>13 earlier?</p> <p>14 A Because as I stated before, that was not my</p> <p>15 task that I was assigned to perform. I was assigned to</p> <p>16 hold hearings all day and compile lists of people who</p> <p>17 needed to be interviewed and released. And I was</p> <p>18 located in the Manhattan office. We don't do discharges</p> <p>19 from the Manhattan office, and there were staff at</p> <p>20 Rikers Island that was assigned to do discharges.</p> <p>21 Q I'm going to close out this exhibit.</p> <p>22 MR. RICKNER: Actually, you know what</p> <p>23 we've been going about an hour, and I don't actually</p> <p>24 have a ton left, but I'd like to take, you know, just</p> <p>25 take five for myself if everybody else is okay with</p>
<p style="text-align: right;">Page 43</p> <p>1 that, and come back, like, let's say right at the right</p> <p>2 11:31, 32.</p> <p>3 MS. DAINOW: Sure.</p> <p>4 MS. CHA: Yes.</p> <p>5 THE REPORTER: Going off the record at</p> <p>6 11:26 a.m. Eastern Time.</p> <p>7 (Off the record.)</p> <p>8 THE REPORTER: All right. We're back on</p> <p>9 the record at 11:32 a.m. Eastern Time.</p> <p>10 MR. RICKNER: Okay. Next exhibit,</p> <p>11 sharing with all, we mark this. This is -- put it in</p> <p>12 the white part if you don't mind. Yeah. Thanks. As</p> <p>13 State Defendant 79.</p> <p>14 (Exhibit 8 marked for identification.)</p> <p>15 BY MR. RICKNER:</p> <p>16 Q Ms. Lucas, can you tell me what this is?</p> <p>17 A (Indiscernible - audio disruption.)</p> <p>18 MR. RICKNER: Okay. That didn't work.</p> <p>19 THE REPORTER: Let's go off the record to</p> <p>20 fix this real quick if that's okay.</p> <p>21 MR. RICKNER: I think Ms. Lucas maybe you</p> <p>22 logged off and you logged on again or something because</p> <p>23 you just --</p> <p>24 (Off the record.)</p> <p>25 THE REPORTER: Okay. We are back on the</p>	<p style="text-align: right;">Page 44</p> <p>1 record at 11:34 a.m. Eastern Time.</p> <p>2 BY MR. RICKNER:</p> <p>3 Q Now, Ms. Lucas, can you tell me what is shown</p> <p>4 on Exhibit 8?</p> <p>5 A This is the warrant summary screen.</p> <p>6 Q Okay. And what is the warrant summary screen?</p> <p>7 A When a releasee is in the revocation process</p> <p>8 and a parole warrant is issued, this screen tells the</p> <p>9 information regarding the date for his preliminary</p> <p>10 hearing as well as his final hearing and who the case is</p> <p>11 assigned to.</p> <p>12 Q Okay. Is it fair to say that this is part of</p> <p>13 a database that you can access?</p> <p>14 A Yes.</p> <p>15 Q And this is January 23rd. So it's before the</p> <p>16 writ was issued, but after the writ was issued, would</p> <p>17 this screen state that a writ of habeas corpus had been</p> <p>18 granted?</p> <p>19 A I'm not sure. No, it wouldn't state that.</p> <p>20 Q Would it state that the -- once the warrant</p> <p>21 was lifted, would it state that the warrant had been</p> <p>22 lifted?</p> <p>23 A It would -- it would change from active to --</p> <p>24 it -- scratch that. I'm sorry. The closure reason</p> <p>25 might say something like process canceled.</p>

<p style="text-align: right;">Page 45</p> <p>1 Q Okay. Would it be correct to say that once 2 the warrant is lifted on this screen, you could actually 3 see that the warrant had been lifted? 4 A No, that's not accurate. Somebody has to put 5 information into the system for this screen to change. 6 Q Oh, okay. All right. So once somebody enters 7 into the system that the warrant has been lifted, then 8 it would show that the warrant has been lifted. 9 A Again, it would say where it says REC status 10 or record status instead of active, it would say closed. 11 That's the third line. And then on the right-hand 12 column towards the bottom, it would have the date that 13 it was closed and the closure reason. 14 Q Okay. 15 A If he got a writ -- sorry. 16 Q I'm sorry. Please finish. 17 A If he received the writ, it probably would say 18 process canceled. 19 Q Okay. 20 A It would not say the words writ. It would not 21 say that. 22 Q Okay. Now who updates the information, once a 23 warrant's been lifted, who in the DOCCS is responsible 24 for updating this computer system? 25 A I really can't answer that.</p>	<p style="text-align: right;">Page 46</p> <p>1 Q Okay. Who has access to this computer system? 2 A DOCCS personnel. 3 Q Anybody else? 4 A Depending on -- depending on your title. 5 Q And what -- I'm sorry, what is the name of 6 this system again, the database? 7 A I think it's Case Management System, CMS. We 8 call it CMS for short. 9 Q Now, with respects to warrants being lifted, 10 are there any other systems in place at DOCCS, like 11 other databases where you could check to see if a 12 warrant was lifted? 13 A I wouldn't know that because I don't lift 14 warrants. I don't have that ability. 15 Q Okay. And here it says your name PRS 2 Lucas, 16 Lachonda. Do you see that? 17 A Yes, I do. 18 Q Why are you listed here? 19 A Because I was the supervisor of the parole 20 revocation specialist that was presiding over the case 21 prior to the writ. 22 Q And who was the parole revocation specialist 23 who's provided -- presiding over it? 24 A Russell Marquis. 25 Q Okay.</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. RICKNER: Close this. All right. 2 I'd like to mark this one as Exhibit 9. You can put it 3 at the bottom, probably make it a little bigger. 4 (Exhibit 9 marked for identification.) 5 BY MR. RICKNER: 6 Q All right. Do you see this memorandum? 7 A Yes. 8 Q Now, do you see the instructions provided 9 regarding the mandatory termination of sentence for Mr. 10 Rodriguez? 11 A I can't see anything other than the top. 12 Q Really? How about now? 13 A Here we go. 14 Q Can you see like the text of this one? It 15 shouldn't be any different than it is on my screen. 16 A I see part of it, yes. 17 Q Okay. Well, can you see the text of the 18 mandatory termination of sentence, and then there's two 19 paragraphs below? 20 A It's cut off (indiscernible - audio 21 disruption). I can't see it. 22 Q How about now? Can you see the text? 23 A Yes. 24 Q Oh, you went robot on us again? 25 A Yes, I can see it.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q Okay. Good. All right. So you see there's 2 two paragraphs underneath mandatory termination of 3 sentence? 4 A Yes. 5 Q What does this mean? 6 A This means that there's a date coming out 7 where the field staff would have to complete the report 8 that's attached to determine whether or not releasee 9 would be eligible for early release. 10 MR. RICKNER: All right. We're not 11 getting you. Can you log -- I think we're going to have 12 to do a log off and a log on again. You just went 13 robot. 14 THE REPORTER: Okay. One second. 15 (Off the record.) 16 THE REPORTER: We're back on the record 17 at 11:43 a.m. Eastern Time. 18 BY MR. RICKNER: 19 Q Okay. And so just for the record, what is -- 20 what is this memorandum instructing field staff to do? 21 A To complete the mandatory termination of 22 sentence worksheet prior to 5/1/2020 to determine if the 23 releasee would be granted release, a merit release. 24 Q And that's a merit release from parole? 25 A No, hold on. I'm sorry. I'm sorry. Wrong</p>

<p style="text-align: right;">Page 49</p> <p>1 form. They would have to complete the form to</p> <p>2 determine, I can't -- it's not letting me --</p> <p>3 Q You should be able to actually move it around</p> <p>4 yourself as well.</p> <p>5 A Now, I can. Oh, they -- this, I'm sorry, this</p> <p>6 is the -- that's a different form. They would have to</p> <p>7 complete the attached form and send it to quality</p> <p>8 control no later than, like it says, five days after the</p> <p>9 MTS date, which here would be 5/1/2020.</p> <p>10 Q So what does that mean with respect to Mr.</p> <p>11 Rodriguez's parole?</p> <p>12 A That there was a portion of his sentence that</p> <p>13 would be terminated as of that date.</p> <p>14 Q He was on lifetime parole at the time. I'll</p> <p>15 represent that to you. So would this mean that he would</p> <p>16 be off lifetime parole if he was able to successfully go</p> <p>17 through this process?</p> <p>18 A No.</p> <p>19 Q Okay.</p> <p>20 A Not to my knowledge. He may have had another</p> <p>21 control -- another sentence that was going in</p> <p>22 conjunction with the lifetime parole.</p> <p>23 Q Oh, I understand. But assuming that this was</p> <p>24 only one sentence of the lifetime parole, if he went</p> <p>25 through this process that meant that he would be off</p>	<p style="text-align: right;">Page 50</p> <p>1 parole effectively, right?</p> <p>2 A I can't answer that. I don't know because I</p> <p>3 didn't review his case for this purpose.</p> <p>4 Q Oh. In general, would that be correct even if</p> <p>5 you can't speak directly to Mr. Rodriguez?</p> <p>6 A Right off the top of my head, I really don't</p> <p>7 remember.</p> <p>8 Q Now, if Mr. Rodriguez had been found</p> <p>9 effectively guilty of the parole violation that he was</p> <p>10 being held in Rikers Island for, would that remove him</p> <p>11 from the mandatory termination of sentence review?</p> <p>12 A I'm not sure.</p> <p>13 MR. RICKNER: Close this one out. Mark</p> <p>14 this as Exhibit 9. And this is -- hold on for the</p> <p>15 record, it is State Defendant's 296 through 297 marked</p> <p>16 as Exhibit 10.</p> <p>17 (Exhibit 10 marked for identification.)</p> <p>18 BY MR. RICKNER:</p> <p>19 Q So I'd like you to look at the email. I think</p> <p>20 this is from you on Sunday, March 22, 2020, where you</p> <p>21 write, "Good afternoon, DOCS lookup often lists the</p> <p>22 warrants as being active, but they're usually not. DDOI</p> <p>23 staff will check the status in a more reliable system</p> <p>24 tomorrow morning. Be well and enjoy the rest of the</p> <p>25 weekend." Do you see that?</p>
<p style="text-align: right;">Page 51</p> <p>1 A Yes, sir.</p> <p>2 Q Okay. Now when you say DOCS lookup, what do</p> <p>3 you mean?</p> <p>4 A The public inmate lookup for New York City</p> <p>5 DOCS.</p> <p>6 Q Okay. So that's the -- the database that --</p> <p>7 that the City of New York maintains with respect to</p> <p>8 people incarcerated at Rikers Island?</p> <p>9 A That is correct.</p> <p>10 MS. DAINOW: Objection.</p> <p>11 BY MR. RICKNER:</p> <p>12 Q And that's the same website that's actually</p> <p>13 accessible to the public, if you put somebody's name in,</p> <p>14 it'll show information about their incarceration at</p> <p>15 Rikers Island?</p> <p>16 A Yes.</p> <p>17 Q Okay. It says, "DDOI staff will check the</p> <p>18 status in a more reliable system tomorrow morning." Do</p> <p>19 you see that?</p> <p>20 A Yes.</p> <p>21 Q What is the more reliable system?</p> <p>22 A They use a system called IIS, I don't know</p> <p>23 what it stands for. I don't have access to it. But</p> <p>24 that is the system that they often use in regards to</p> <p>25 whether or not a warrant is active.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q Now -- all right. You know what, we're going</p> <p>2 to actually close this one out. This isn't for you</p> <p>3 necessarily.</p> <p>4 MR. RICKNER: Yeah. Use that one. All</p> <p>5 right. I'd like to mark this as Exhibit 11.</p> <p>6 (Exhibit 11 marked for identification.)</p> <p>7 BY MR. RICKNER:</p> <p>8 Q Now, I am just going to scroll down to the</p> <p>9 last page.</p> <p>10 A Okay.</p> <p>11 Q It's the page 11. This is the verification.</p> <p>12 Do you see this?</p> <p>13 A Yes, sir.</p> <p>14 Q Did you sign this two days ago?</p> <p>15 A Yes.</p> <p>16 Q And without -- I'm not going to go through all</p> <p>17 10 pages of questions and responses with all the</p> <p>18 objections, but did you review the document before you</p> <p>19 signed it under penalty of perjury?</p> <p>20 A Yes, sir.</p> <p>21 Q And did you ensure that it was complete and</p> <p>22 accurate?</p> <p>23 A Yes, sir.</p> <p>24 MR. RICKNER: Okay. I don't have any</p> <p>25 further questions.</p>

<p style="text-align: right;">Page 53</p> <p>1 MS. DAINOW: I just have a few.</p> <p>2 EXAMINATION</p> <p>3 BY MS. DAINOW:</p> <p>4 Q Good morning, Ms. Lucas. My name is</p> <p>5 Jacqueline Dainow. I'm at the Office of the Corporation</p> <p>6 Counsel and I represent the City of New York. I just</p> <p>7 have --</p> <p>8 A Good morning.</p> <p>9 Q Good morning. I just have a few questions for</p> <p>10 you. Did you ever contact the Department of Correction</p> <p>11 regarding Modesto Rodriguez in March of 2020?</p> <p>12 A Not specifically for Modesto Rodriguez.</p> <p>13 Q When you say, "not specifically," do you mean</p> <p>14 that you contacted them for other reasons?</p> <p>15 A The contact I had with New York City</p> <p>16 Department of Corrections was when I sent the production</p> <p>17 list requesting that the individuals be produced on</p> <p>18 Wednesday, March 25th, 2020.</p> <p>19 Q Did you provide the Department of Correction</p> <p>20 with a copy of Modesto Rodriguez's warrant lift at any</p> <p>21 time?</p> <p>22 A No, I did not.</p> <p>23 Q Since you testified that you did not, do you</p> <p>24 know who did?</p> <p>25 A I know that PO Sheila Bailey was the person</p>	<p style="text-align: right;">Page 54</p> <p>1 that was working in DDOI who reviewed the case after we</p> <p>2 received notification that he was still in custody.</p> <p>3 Q And you probably already testified to this,</p> <p>4 but what date was that, do you recall?</p> <p>5 A I want to say that was March 31st, 2020.</p> <p>6 Q To your knowledge, would records of that</p> <p>7 communication be kept within your office?</p> <p>8 A Records of what communication, I'm sorry.</p> <p>9 Q Any communications between Sheila and the DOC</p> <p>10 and or you and Sheila, to your knowledge.</p> <p>11 A If -- if she did lift the warrant on that</p> <p>12 date, there should be a form that was sent to DOC</p> <p>13 requesting that the warrant be lifted.</p> <p>14 Q Have you ever seen a form like that with</p> <p>15 respect to Modesto Rodriguez?</p> <p>16 A His specific form, no.</p> <p>17 MS. DAINOW: Those are all the questions</p> <p>18 I have. Thank you very much.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 MR. RICKNER: I just have two brief</p> <p>21 follow-ups because you did get into some interesting</p> <p>22 stuff.</p> <p>23 FURTHER EXAMINATION</p> <p>24 BY MR. RICKNER:</p> <p>25 Q This form to DOC, if the warrant lift form</p>
<p style="text-align: right;">Page 55</p> <p>1 does not go to DOC, would somebody remain in custody?</p> <p>2 A From what the limited information I have about</p> <p>3 warrant lift forms, they -- they would remain in</p> <p>4 custody.</p> <p>5 Q So we can -- withdrawn.</p> <p>6 Do you know on March 25th if the people on the</p> <p>7 list from OBCC were actually produced to the Judicial</p> <p>8 Center?</p> <p>9 A There were some people produced. I was not</p> <p>10 stationed there. So I don't know who was produced and</p> <p>11 who wasn't produced, but PO Sheila Bailey did do some</p> <p>12 release interviews on the 25th of March 2020.</p> <p>13 Q Okay. And --</p> <p>14 MS. DAINOW: Actually, I -- oh, I'm</p> <p>15 sorry, Rob, I thought you were done.</p> <p>16 MR. RICKNER: No. Understood.</p> <p>17 BY MR. RICKNER:</p> <p>18 Q To your knowledge, were people produced to the</p> <p>19 Judicial Center who just didn't get their interviews for</p> <p>20 one reason or another, lack of time, something else?</p> <p>21 A I can't answer that. I wasn't stationed at</p> <p>22 the Judicial Center. There was a supervisor on site, so</p> <p>23 I really don't know what happened at the Judicial</p> <p>24 Center.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. RICKNER: Now you can go, Ms. Dainow.</p> <p>2 MS. DAINOW: Actually, I'm not sure I</p> <p>3 have anything else. If you could just give me one</p> <p>4 minute, please.</p> <p>5 MS. DAINOW: Just one last question. Any</p> <p>6 communications with the form you were referring to, to</p> <p>7 your knowledge -- actually withdrawn.</p> <p>8 I don't have any further questions.</p> <p>9 Thank you.</p> <p>10 MR. RICKNER: All righty then.</p> <p>11 THE REPORTER: All right. I would just</p> <p>12 like to confirm transcription orders on the record.</p> <p>13 Mr. Rickner, will you be purchasing the</p> <p>14 original transcript today?</p> <p>15 MR. RICKNER: Me, yes.</p> <p>16 THE REPORTER: Yes. Okay.</p> <p>17 MR. RICKNER: And only the original.</p> <p>18 THE REPORTER: Okay. Ms. Cha, will you</p> <p>19 be purchasing a copy?</p> <p>20 MS. CHA: Yes.</p> <p>21 THE REPORTER: And Ms. Dainow, will you</p> <p>22 be purchasing a copy as well?</p> <p>23 MS. DAINOW: Yes.</p> <p>24 THE REPORTER: All right. Thank you.</p> <p>25 With that, we are now off the record at 11:55 a.m.</p>

<p style="text-align: right;">Page 57</p> <p>1 Eastern Time.</p> <p>2 (Proceedings concluded at 11:55 a.m.)</p> <p>3 (Read and Sign waived.)</p> <p>4 * * * * *</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 58</p> <p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2</p> <p>3 State of Ohio)</p> <p>4 County of Summit)</p> <p>5</p> <p>6 I hereby certify that on the 18th day of October</p> <p>7 2023, before me, a RON notary public for the State of</p> <p>8 Ohio, LACHONDA LUCAS remotely appeared via</p> <p>9 videoconference, and prior to testifying, swore an oath,</p> <p>10 to tell the truth.</p> <p>11</p> <p>12 DATED this 18th day of October 2023.</p> <p>13</p> <p>14</p> <p>15 /s/Sarah Schroeter</p> <p>16 Sarah Schroeter</p> <p>17 RON Notary Public, State of Ohio</p> <p>18 Commission No.: 2020-RE-82317</p> <p>19 Commission Expiration: 11/29/25</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 59</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, Olivia Wilson, hereby certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place therein set forth;</p> <p>6 That the proceedings were recorded by me and</p> <p>7 thereafter formatted into a full, true, and correct</p> <p>8 transcript of same;</p> <p>9 I further certify that I am neither counsel</p> <p>10 for nor related to any parties to said action, nor in</p> <p>11 any way interested in the outcome thereof.</p> <p>12</p> <p>13 DATED, this 2nd day of November 2023.</p> <p>14</p> <p>15 </p> <p>16</p> <p>17 Olivia Wilson, CER-1600</p> <p>18 Court Reporter</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

<u>WORD</u> <u>INDEX</u>				
< 1 >	117	2013	24 4:6	3/25
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